

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BC BS00014

CASE NAME: STEPHEN MACUTE

HEARING:

Hearing re: Reimbursement of Court Investigators Costs

COUNSEL:

STPEHEN TETSU MACUTE (PCE)...
SANTOS MACUTE (PET)...PRO/PER

GENERAL INFORMATION: Matter set on calendar on court's own motion.

THIS CASE IS SET FOR HEARING ON reimbursement of Court Investigator fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court Investigator has prepared the biennial review of the case. The Court Investigator has requested reimbursement for the cost of the report. The standard fee of \$350 is requested.
2. Clerk has given notice to the Conservator. Notice should also have been given to the Conservatee.
3. Per the information in the file, bank statements and third accounting, it would appear that the estate is solvent and can pay the requested fee.

RECOMMENDATION:

Require notice on the Conservatee.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BC BS00074

CASE NAME: NANCY JANE MATHEWS

HEARING:
OSC re: CONTEMPT

COUNSEL:

STANLEY E MATHEWS II (PET)...RALPH F GEORGE JR.
NANCY JANE MATHEWS (CTP)...

GENERAL INFORMATION: This matter has been continued 6 times. No accounting has been filed and matter is now on calendar for O.S.C. re contempt. Court has cited the petitioner into court.

THIS CASE IS SET FOR HEARING ON O.S.C. re contempt.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court ordered that the accounting was to be filed no later than 1-25-05. As of that date no accounting filed.

RECOMMENDATION:

Suggest the court find the Conservator in contempt. Set the matter for removal of the petitioner. Have the clerk notice the bonding company. Appoint the Public Guardian in the place of the Conservator.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BC BS00088

CASE NAME: RAMON I MUNOZ

HEARING:
Petition for Conservatorship

COUNSEL:

DEBRA L BOHN (PET)...PRO/PER
RAMON I MUNOZ (CEP)...

GENERAL INFORMATION: Temporary letters issued 8-20-04. The Court Investigator report filed at that time indicated that in the opinion of the Court Investigator the illness might be transitory and based thereon the court issued temporary letters for a period not to exceed 6 months.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File return of citation.
2. File notice of hearing and proof of mailed service on all relatives within the 2nd degree of kinship.
3. Petitioner requests medical powers. Capacity declaration does not support request.
4. Powers under Pr.C. § 2590 et seq. are granted in the court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and why each power sought is actually needed. File verified supplemental.
5. The petitioner was granted a 6 month temporary conservatorship based on the recommendation of the Court Investigator. Court should have Court Investigator do a follow up interview.
6. Set bond in the amount of \$30,000.

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-9-05. Set hearing for accounting review for 3-28-06. Accounting to be filed 30 days in advance.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00322

CASE NAME: IN THE ESTATE OF DOROTHY NOE

HEARING:

Hearing re: REPORT OF STATUS OF ADMINISTRATION

COUNSEL:

MARY G SHOEMAKER (PET)...JOHN F WEBER
DOROTHY ROSICH (DEC)...
DOROTHY GOMEZ (AKA)...
DOROTHY LARUE SENESCHAL (AKA)...
DOROTHY SENESC NOE (AKA)...
DOROTHY NOE (AKA)...
DOROTHY R NOE (AKA)...
DOROTHY RITA NOE (AKA)...
DEPARTMENT OF HEALTH SERVICES (TP)...

GENERAL INFORMATION: continued from 8-24-04, 9-21-04, 11-23-04 and 1-11-05.
Nothing new filed.

THIS CASE IS SET FOR HEARING ON status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No status/accounting filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00582

CASE NAME: JACK C SWAN

HEARING:

Hearing Re: STATUS REPORT/ACCOUNT.

COUNSEL:

SUE E BRUFFETT (PET)...JOHN F WEBER

JACK C SWAN (DEC)...

BUDGET NATIONAL FINANCE COMPAN(ASG)...PRO/PER

BUDGET FINANCE COMPANY (SA)...

GENERAL INFORMATION: continued from 5-25, 6-29, 8-24, 9-21 , 11-23-04 and 1-11-05.
Nothing new filed.

THIS CASE IS SET FOR HEARING ON status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No status report or accounting has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00691

CASE NAME: ROBERT V MOYA

HEARING:

Hearing re: 1ST ACCT; PET FOR PRELIM DIST & PARTIAL ALLOWANCE

COUNSEL:

MARY BEAUCHAMP (PET)...RALPH F GEORGE JR.
ROBERT V MOYA (DEC)...

GENERAL INFORMATION: Letters issued February 24, 2003 under Independent Administration of Estates Act. First account filed for period of February 24, 2003, to July 7, 2004. Continued from August 31, October 12, November 30, 2004, and 1-4-05 to allow counsel to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: First account and petition for preliminary distribution and partial allowance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:.

1. Notice appears complete.
2. There is a discrepancy in the calculation of the charges in the summary of accounting in the amount of \$1,698.05. Please explain.
3. Account fails to include statement disclosing any familial/affiliate relationship between fiduciary and agent hired by administrator during accounting period. Pr.C. § 1064.
4. Accounting fails to include statement disclosing whether all cash assets have been invested in interest bearing accounts/investments. Pr.C. § 1064.
5. Copies of investment account statements verifying the balance of cash and/or securities on hand shall be attached to all inventories and accountings. Local Rules of Court, rule 908. Please file required documentation.

6. Petitioner erroneously requested fees based on amount of estate subject to distribution. Statutory fees are computed on value of estate. Pr.C. § 10800. Need an accurate summary of accounting before statutory fees can be calculated.
7. Disbursement schedule 5 indicates payment to counsel for bond premium in the amount of \$1,096.50. Schedule 5 also indicates a payment to Jernigan Insurance Company for \$1,096.50 for bond premium. Is this an error? Please explain.
8. Petitioner states the estate is not ready to close because a parcel of real property needs to be sold. However, petitioner is requesting preliminary disbursement of the estate. Preliminary disbursement shall not exceed 50 percent of the net value of the estate. Pr.C. § 11623(a)(2). Furthermore, as a general rule, only 50 percent of statutory fees will be allowed in preliminary disbursement.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 3-7-06. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00759

CASE NAME: ESTATE OF JOSEPH L HAYS

HEARING:

OSC re: CONTEMPT/ACCOUNTING REVIEW

COUNSEL:

MARILYN LEDUC-HAYS (PET)...RALPH F GEORGE JR.
JOSEPH LOVELAND HAYS (DEC)...

GENERAL INFORMATION: On 12-14-04 the court found Attorney George in contempt and sanctioned him \$60 for failure to file an accounting/status report.

THIS CASE IS SET FOR HEARING ON O.S.C. re contempt/accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed.

RECOMMENDATION:

Set matter for O.S.C. re removal of administrator. Issue a citation and have it personally served on the administrator. There is no bonding company to notice.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 02/15/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00760

CASE NAME: ESTATE OF CARL L FUNDERBURG ST

HEARING:

Hearing Re: ACCOUNTING.

COUNSEL:

CARL LEE FUNDERBURG JR (PET)...RALPH F GEORGE JR.

CARL LEE FUNDERBURG SR (DEC)...

GENERAL INFORMATION: Continued from 1-4-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first and final accounting and request for distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Was a due and diligent search conducted to determine known or reasonably ascertainable creditors? File supplemental.
2. Did decedent's predeceased spouse receive health care benefits under the provisions of Chapter 7 or 8, part 3, division 9 of the Welfare and Institutions Code? File supplemental.
3. File assignment of interest from P. Kaye Stevens to petitioner.
4. Statutory fees are \$1,264. Does petitioner waive fees?
5. There are no cash assets. How is counsel to be paid?
6. Give adequate property on hand description, including legal description on real property and license and VIN numbers on vehicles.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 3-28-06.